



Appeal Decision

Site visit made on 17 December 2019

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 January 2020

Appeal Ref: APP/Y0435/W/19/3238481

32 Allington Circle, Kingsmead, Milton Keynes MK4 4EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Oliver McLoughlin against the decision of Milton Keynes Council.
 - The application Ref: 19/00427/FUL, dated 23 January 2019, was refused by notice dated 11 April 2019.
 - The development is change of use from dwelling house (C3) to House in Multiple Occupation (Sui Generis).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The use has commenced as a House in Multiple Occupation (hereafter referred to as an HMO) and on my site visit, I noted eight separate bedrooms.
3. The plans initially submitted with the appeal appear to be erroneous. As the building is located within a crescent, the rear elevation is longer than the front elevation. This creates an irregular shaped foot print. In contrast the submitted plans show that the building has a regular, rectangular shaped foot print. A revised plan that better illustrates the shape of the building has been submitted over the course of the appeal. I do not believe that considering this appeal on the basis of the revised plan would cause prejudice to any party on the grounds that the revised plan does not seek to change the number of residents of the development or substantially alter the layout of the building. Accordingly, I have proceeded on this basis.
4. The Council amended the description of the development from 'I am wanting to change the use of the property to C4 Hmo. 8 occupants, no external building changes' to 'change of use from dwelling house (C3) to House in Multiple Occupation (Sui Generis)'. The revised description has also been used by the appellant on the appeal form. I consider that the revised description represents a more precise and succinct summary of the development and have therefore proceeded on this basis.

Main Issue

5. The main issue is the effect of the development upon highway safety.

Reasons

6. The site consists of a large terraced house located within a residential area, on the periphery of the built up area of Milton Keynes. The surrounding buildings are also used for residential purposes and are generally of a large scale. The appeal site contains a single, off-road parking space to the rear. Some of the neighbouring properties feature a larger off-road car parking provision in the form of a garage.
7. The development provides residential accommodation for eight people, who would, by nature of the use, be adults. Whilst, at times, some residents of the HMO might not require access to a private car, I do not have any mechanism before me by which this could be secured. In consequence, there is a likelihood that, at times, all residents might have access to a private car. Should this scenario occur, it would not be possible for all vehicles to be parked at the property owing to the low provision of off-site parking spaces. Cars would therefore be displaced onto the surrounding streets.
8. This causes a concern as the surrounding road network is relatively narrow and somewhat sinuous. This layout is consistent with the suburban character of the environs of the appeal site. For these reasons, and the presence of several dropped kerbs within the vicinity, opportunities for on-street car parking are relatively limited. In consequence, should a number, or all, of the residents have a car, the lack of appropriate car parking spaces would encourage parking practices in inopportune locations. This is because residents might wish to park their car close to their home in the interests of convenience.
9. As a result, there is the potential for inappropriate parking that would impede the flow of traffic within the locality and reduce visibility for motorists and pedestrians. This would not be conducive to securing good levels of highway safety.
10. In addition, I have noted that bus stops do not appear to be present within a short walking distance of the appeal site. In consequence, occupiers of the development may not be able to utilise public transport links to undertake all journeys. In addition, whilst residents might be able to cycle on some journeys, these could not be utilised on all trips (such as those over a longer distance). In consequence, there is a likelihood that future residents of the development would have private cars. Therefore, I do not believe that the effects of the lower provision of off-street car parking have been mitigated.
11. Whilst I note that the evidence before me is not indicative of there being an overconcentration of HMOs within the vicinity of the appeal site, the large scale of the adjoining dwellings is such that there is also likely to be a residual high demand for car parking spaces within the vicinity. This is due to the potential number of residents that could be accommodated within the surrounding houses.
12. References have been made to the level of car parking associated with surrounding dwellings. I do not appear to have evidence regarding the planning circumstances that lead to the granting of planning permission for the appeal site and the surrounding dwellings, however, as I have found that the appeal scheme would lead to a more intensive use of the site, I therefore do not find that this requires me to set aside my previous concerns.

13. I acknowledge that the appeal site is large and could potentially be occupied by a large family under the site's existing permitted use. However, as a family dwelling, there is a likelihood that not all residents would be of an age where they might be able to drive. This would reduce the number of likely vehicles associated with the property. In addition, the current layout of the building features a bedroom on the ground floor. A family might utilise a greater proportion of the ground floor for communal space, in contrast with the current use. Therefore, the HMO use has the potential to generate a greater demand for car parking than a family dwelling.
14. Whilst I note that it would not be possible to formally control car ownership at the adjoining properties, the above factors are likely to limit the number of cars that are associated with each family dwelling.
15. I am aware that no objections were received to the planning application from the Local Highway Authority. However, in assessing this appeal I have considered that the individual circumstances arising from the HMO use and the differences between this and a dwelling providing family accommodation. I have also considered the character of the surrounding area, and the nature of the surrounding buildings and their scale.
16. I have noted that there appears to be a need for residential accommodation within the locality, and that the supply of new dwellings within the vicinity has been lower than anticipated. I also note that the local economy has generated an increased number of jobs and that a university campus is due to open in the future. These factors might increase the demand for housing within the locality, whilst some individuals might prefer to share a dwelling with others, which potentially reduces the number of new dwellings needed elsewhere.
17. Whilst the development addresses these points, such benefits are relatively limited given that the development is for a single HMO only. Furthermore, they do not outweigh the significant harm arising from the adverse impacts to highway safety.
18. I have had regard to the appellant's suggestion that the number of occupiers in the HMO could be limited to six residents. Whilst this might reduce the number of vehicle movements associated with the development, the number of off-street car parking spaces at the site would still be significantly outnumbered. Accordingly, a number of vehicles could still be displaced onto the surrounding road network to the detriment of highway safety. Therefore, this suggestion does not overcome my previous concerns.
19. In assessing this appeal, my attention has been drawn to two Supplementary Planning Documents. Whilst I recognise that these documents were adopted some years ago, one of the objectives of these is to ensure that HMOs do not cause traffic problems, such as obstructions. This is therefore in some conformity with the requirements of the National Planning Policy Framework (the Framework), which seeks to prevent developments from having an adverse effect on highway safety. In consequence, the SPDs can be given some weight in the assessment of the development.
20. I also note that the Development Plan policies to which I have been referred, may have been formulated prior to the publication of the most recent version of the Framework. However, given that these policies are intended to, amongst other matters, ensure that developments do not harm highway safety, I find

that they are consistent with the aims and objectives of the Framework. Accordingly, they can be ascribed weight in my considerations.

21. The evidence before me is indicative that the development would not cause harm to the living conditions of the occupiers of adjoining properties and that appropriate refuse, materials for recycling and bicycle storage could be provided. However, these points do not overcome the significant harm as previously identified.
22. I therefore conclude that the development has an adverse impact upon highway safety. The development, in this regard, fails to comply with the requirements of Policies CT10 and HN7 of the Milton Keynes Plan:MK 2016-2031 (2019); the Houses in Multiple Occupation Supplementary Planning Document (2012); and the Parking Standards Supplementary Planning Document (2016). These, amongst other matters, seeks to ensure that new developments that an appropriate level of car parking is provided; and that HMOs should not have significant adverse effects.

Other Matters

23. My attention has been drawn to a previous appeal for an HMO in Vernier Crescent, Medbourne, Milton Keynes. I do not appear to have been provided with the full information regarding the planning circumstances of this development, which lessens the weight that can be attributed to it. Nonetheless, I note that this site is considerably closer to public transport routes than the development before me. Accordingly, I do not find that the presence of this appeal decision requires me to disregard my previous concerns.
24. It has been confirmed that the HMO has been granted a licence. Whilst this is a matter of note, it does not overcome the harm in respect of the Main Issue, as previously identified.

Conclusion

25. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR